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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR 09-00775 SBA
14 Plaintiff,) STIPULATION AND ORDER
15 v.) CONTINUING STATUS CONFERENCE
16 JUAN OCTAVIANO LOPEZ,) AND EXCLUDING TIME
aka Juan Octavio Lopez Ortiz,
aka Juan Lopez Gomez,
aka Manuel Vargas, and
17
18 GLENDY GOMEZ,
aka Glendy Elizabeth Gomez,
19 Defendants.
20 _____)

21 Plaintiff, by and through its attorney of record, and defendants, by and through their
22 counsel of record, hereby stipulate and ask the Court to find as follows:

- 23 1. A status conference in this matter is currently scheduled for 2 p.m. on Tuesday,
July 20, 2010.
2. The parties request that this hearing be continued until 9 a.m. on Tuesday,
September 21, 2010, in order to provide defendants' counsel with additional time to evaluate the
evidence in this case and determine whether or not defendant should enter a change of plea or

28
29 STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 file motions and to prepare for trial in this matter.

2 3. Specifically, a new attorney, Lynn Keslar, was just appointed on Friday, July 16,
3 2010, to represent defendant Juan Lopez. Obviously, Ms. Keslar needs the continuance in order
4 to review discovery with her client, investigate the case, and develop a motions and/or trial
5 strategy in light of the discovery. Counsel for defendant Gomez also requires the coninuance in
6 order to review discovery with his client, investigate the case, and develop a motions and/or trial
7 strategy in light of the discovery. The parties believe that failure to grant the above-requested
8 continuance would deny defendants' counsel and defendant the reasonable time necessary for
9 effective preparation taking into account the exercise of due diligence and that the ends of justice
10 served by continuing the case as requested outweigh the interest of the public and defendant in a
11 trial within the date prescribed by the Speedy Trial Act.

12 4. Thus, the parties respectfully request that the Court find that the time period from
13 July 20, 2010, to September 21, 2010, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
14 (B)(iv) because it results from a continuance granted by the Court at the defendant's request and
15 on the basis of the Court's finding that the ends of justice served by taking such action outweigh
16 the best interest of the public and the defendant in a speedy trial and because failure to grant the
17 continuance would unreasonably deny defense counsel the time necessary for effective
18 preparation for trial, taking into account due diligence.

19 IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

22 || Dated: July 19, 2010

/s/
GARTH HIRE
Assistant United States Attorney

Attorney for United States of America

25 || Dated: July 19, 2010

/s/
LYNN KESLAR

Attorney for Defendant
Juan Octaviano Lopez

1 Dated: July 19, 2010

2 _____
3 /s/
4 RANDALL KNOX

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6 Attorney for Defendant
7 Glendy Gomez

8
9
10 **ORDER**

11 FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

12 1. The currently scheduled July 20, 2010, status conference hearing is vacated. A
13 status conference hearing is now scheduled for 9:00 a.m. on September 21, 2010.

14 2. The time period from July 20, 2010, to September 21, 2010, is deemed excludable
15 pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by
16 the Court at the defendants' request and on the basis of the Court's finding that the ends of
17 justice served by taking such action outweigh the best interest of the public and the defendants in
18 a speedy trial and because failure to grant the continuance would unreasonably deny defense
19 counsel the time necessary for effective preparation for trial, taking into account due diligence.

20 DATED: 7/19/10

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22 HONORABLE SAUNDRA BROWN ARMSTRONG
23 UNITED STATES DISTRICT JUDGE